



January 4, 1974
NUMBER 1332.27

ASD (M&RA)

Department of Defense Directive

SUBJECT **Survivor Benefit Plan**

References: (a) P.L. 92-425, September 21, 1972
(b) P.L. 93-155, November 16, 1973
(c) Executive Order 11687, October 11, 1972,
(37 FR 198)
(d) DoD Directive 1332.17, "Retired Serviceman's
Family Protection Plan," December 18, 1968

Enclosed for information and guidance are Regulations for the Survivor Benefit Plan implementing reference (a).

Reference (d) continues in effect for members retired before September 21, 1972, who desire to remain under its provisions.

Two copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days.

H. P. Clement
Deputy Secretary of Defense

Enclosure - 1
Regulations

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Regulations for the
SURVIVOR BENEFIT PLAN

* * *

(TITLE 10, UNITED STATES CODE , CHAPTER 73)

* * *

As approved by
THE SECRETARY OF DEFENSE

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EFFECTIVE
January 4, 1974

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CHAPTER 1

GENERAL PROVISIONS

Public Law 92.425, enacted September 21, 1972, amends Chapter 73, Title 10, USC, by changing the title of the chapter to "RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN : SURVIVOR BENEFIT PLAN, " and establishes a new Survivor Benefit Plan within the Uniformed Services retirement system. This Regulation recites the essential provisions of that law and promulgates the regulations necessary to its implementation.

101. Purpose

The purpose of the Survivor Benefit Plan is to establish a survivor benefit program for military personnel in retirement to complement the survivor benefits of social security. The Plan provides all career members of the Uniformed Services who reach retirement eligibility an opportunity to leave a portion of their retired pay to their survivors at a reasonable cost and provides a minimum income guarantee for widows of members retired before September 21, 1972, who died before September 21, 1973 and who had not previously filed an election under the Survivor Benefit Plan,

102. Definitions

a. The term "SBP" or "Plan" as hereinafter used, means the Survivor Benefit Plan -- which replaces for members initially retired on or after September 21, 1972, the Retired Serviceman's Family Protection Plan (RSFPP) , formerly called the Cent ingency Option Act.

b. The term "retired pay" includes retainer pay.

c. The term "retired" or "retirement" includes transfers to the Fleet Reserve or Fleet Marine Corps Reserve.

d. The term "member" includes a retiree, Fleet Reservist, or Fleet Marine Corps Reservist.

e. A natural person with an insurable interest is any person who has a reasonable and lawful expectation of pecuniary benefit from the continued life of the participating member, or any individual having a reasonable and lawful basis, founded upon the relation of the parties to each other, either pecuniary or of blood or affinity, to expect some benefit or advantage from the continuance of the life of the retired member. Some examples are nondependent parent or child, other relative of long-standing close association, or a nonrelative business associate, employee, etc. If the designation is other than brother, sister, parent, or nondependent child, proof of financial benefit from the continuance of life of the retiree may be required.

f. The term "base amount" means:

A. For a member retired on or after September 21, 1972 --

- (1) The amount of monthly retired pay to which he is entitled when he becomes eligible for the award of that pay;
- (2) "The amount of monthly retired pay to which he later becomes entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or
- (3) Any lesser amount he may designate before the first day for which he becomes eligible for retired pay but not less than \$300 unless his full retired pay is less than \$300 in which case he must designate his full retired pay.

B. For a member retired before September 21, 1972 --

- (1) The amount of retired pay to which he was entitled on the date of election.
- (2) The amount of monthly retired pay to which he later becomes entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or
- (3) Any lesser amount he designated at the time he elected to participate in the Plan but not less than \$300 unless his full retired pay was less than \$300 in which case he must have designated his full retired pay.

The "base amount" is increased at the same time and by the same percentage as retired pay.

g. "Widow" means the surviving wife of the deceased retiree who:

- (1) Was married to him on the date he became eligible for retired pay and was married to him when he died; or
- (2) Married the retiree after he was retired, was married to him at least two years immediately before his death and was married to him when he died; or

- (3) **Married** the retiree after he was retired, was married to him when he died, but was married to him for less than two years immediately before his death, provided she is the mother of living issue by that marriage.

h. "Widower" means the surviving husband of the deceased retiree who:

- (1) Was married to her on the date she became eligible for retired pay **and** was married to her when she died; or
- (2) **Married** the retiree **after** she **was** retired, **was married** to her at least **two** years before her death, and was married to her when she died; or
- (3) Married the retiree after she was retired, was married to her when she died, but was married to her for less than two years immediately before her death, provided he is the father of living issue by that marriage.

i. A "dependent child" means an unmarried child:

- (1) Under 18 years of age, or at least 18 but under 22 if pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, university, or comparable recognized educational institution; or
- (2) Incapable of self-support because of a mental or physical incapacity which existed before his 18th birthday or incurred before age 22 during pursuance of a full-time course of study or training; and
- (3) Includes an adopted **child**, and a stepchild, foster child or recognized natural child who lived with the retiree in a regular parent-child relationship. In addition, to qualify as a dependent child, a foster child must reside with the retiree at the time of death, receive over one-half of his support from the retiree, and not be cared for under a social agency contract.

For the purposes of this paragraph, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year while he is pursuing a full-time course of study or training, is considered to become 22 years of age on the first day of July after that birth date. Students will continue to be considered as such during the interims between school years but not for periods longer than 150 days. Students must provide bona fide evidence of intent to continue study or training in the same

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or a different school during the school semester or **other** period into which the **school** year is divided,

j. The "date of receipt of election" means the day of receipt by the **office** administering payment of retired pay or, in those cases where the execution of the member's election intent might be prejudiced, **the** date of postmark of the member's election.

CHAPTER 2

APPLICATION OF THE PLAN

201. Coverage"

a, Unless he elects not to participate in the Plan, or elects to participate at less than the **maximum** level before the first day for which he becomes entitled to retired pay, every person with a spouse or a dependent child on the retirement date ~~when~~ awarded such pay on or after **September 21, 1972**, will participate at the **maximum** level. A member who has both a spouse and dependent children on the date of retirement has four election options if he does not desire to participate in the Plan, covering both spouse and children at the maximum level. He may cover his spouse and children at less than the **maximum** level; he may cover the spouse and not the children at the maximum level or less; he may cover the children and not the spouse at the maximum level or less; or he may elect not to participate in the Plan. If the member has a spouse, an election not to participate or to participate at less than the maximum level, or to provide coverage for children but not the spouse, should be made 30 days prior to the date of retirement. This desired objective is placed on the member's election in order to provide sufficient time to notify the member and the spouse of the options available and the election made and thereby comply with the provision of 201 .b. requiring notification of the spouse in such instances before the date of retirement. The individual **Services** will make every effort to comply with this objective.

b. Except as provided in Sections 201 .c. and e., and 703, elections are irrevocable after the award of retired pay and are not voided by recall to active duty. If a retiring member elects not to provide coverage at the maximum level for an otherwise eligible spouse, the spouse shall be notified of such action before the date the member is first eligible for retired pay.

c, A member who has no spouse on the date he becomes entitled to retired pay, but who later marries or acquires a dependent child, may elect to participate in the Plan if his election is received by the Secretary concerned within one year after he marries or acquires that dependent child. A retired member who declined coverage for a child at retirement may elect to cover a child acquired if such election is received by the Secretary concerned within one year of the **acquisition** of the child. If he previously elected to provide an annuity to a person with an insurable interest in him, he may change that election to provide an annuity for his wife or dependent child if the change in election is received by the Secretary concerned within one year of marriage or acquisition of the child. Such elections may not be revoked,

terminate **permanently** the eligibility of a person with an insurable interest, and will become effective on the first **day** of the month beginning after the date of receipt by the Secretary concerned.

d. A person who is unmarried and does not have a dependent child on the date he becomes entitled to retired pay may elect prior to the retirement date to provide an annuity to a natural person with an insurable interest in him.

e. Application of **the** Plan to a member whose name is on the temporary disability retired list ceases" when his name is **removed** from that list" and he is no longer eligible for retired pay.

f. If, when a member is transferred from the temporary to the permanent disability retired list, his retired pay is reduced to an amount less than the base amount originally elected, the full retired pay to which **he** is entitled thereafter will be considered the base amount .

g. If an active duty member dies after becoming eligible for retired pay, but before its award, or while on active duty after retirement, the spouse **shall** receive an annuity in an amount equal to the difference between any Dependency and Indemnity Compensation (DIC) payable in the widow's or widower's behalf (exclusive of any amount attributable to child entitlement or paid for aid and attendance) and **an annuity equal to 55% of the amount of any retired pay based upon** years of" service to which the member" "would" have been entitled had he or she been placed in a statutory nondisability retired status on the day of his or her death. The grade for determining retired pay will be that in which he or she would have been otherwise eligible to retire on the date of death. The percentage multiple for calculation of retired pay shall be that applicable under the statute which qualified him or her for retired pay.

CHAPTER 3

ANNUITIES

301. Payment of Annuity

a. Effective as of the first day after a retired participant dies, a monthly annuity shall be paid to:

- (1) The eligible widow or widower, provided annuity coverage was made in their behalf;
- (2) If there is no eligible widow or widower or the eligible widow or widower is dead, dies, or otherwise becomes not eligible to receive the annuity, the eligible surviving dependent child or children in equal shares, provided annuity coverage was made in their behalf;
- (3) If there is no eligible beneficiary under (1) or (2), the person with an insurable interest in the deceased retiree and who was designated by the retiree at the time he was awarded retired pay.

b. Annuities terminate on the first day of the month in which eligibility is lost. A widow or widower shall receive the annuity so long as living, or until remarriage, if such remarriage occurs before the widow or widower reaches age 60. If remarriage is terminated by death, annulment, or divorce, payment of the annuity will resume effective on the first day of the month of termination, provided the widow or widower is not entitled to an annuity under this Plan based upon the terminated marriage. In such event, the widow or widower may not receive both annuities under this Plan, but must elect which to receive.

c. Following the death of a retiree, if the widow or widower is eligible for DIC in a greater amount than would have been paid as an annuity under the Survivor Benefit Plan, there is no entitlement under this Plan. If DIC is a lesser amount, the widow or widower may be paid an annuity equal to the difference between DIC and such annuity for as long as DIC continues to be less than such annuity. Entitlement under this Plan terminates permanently when DIC exceeds the amount that would have been paid as an annuity under the SBP. The spouse's DIC entitlement for this purpose shall not include any amount attributable to child entitlement or paid for aid and attendance.

d. If upon the death of the retiree, there is a waiver of military retired pay in effect for the purpose of increasing civil service retired

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pay, an annuity under the SBP shall not be paid, unless the retiree not if ied the Civi l Service Commiss ion that he did not des ire any spouse surviving him to receive an annuity under Section 8341 (b) of Title 5 of at least the amount of coverage provided under the SBP.

e. If an annuity is not payable because of the provisions of c. above, all costs withheld from the retiree's pay shall be refunded to the widow or widower, Acceptance of the refund of these costs bars any future annuity payment. If a spouse does not survive, a refund shall not be paid. If an annuity- is payable in a lesser amount than that for which the ret iree paid the difference between the amount deducted prior to the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the widow or widower.

f. Except as provided in Chapter 4 of this Regulation, an annuity under the SBP is in addition to any entitlement under any provision of law and shall be considered as income under laws administered by the Veterans Administration. Annuities under the SBP are not assignable, nor subject to execution, levy, attachment, garnishment, or other legal process.

302. Documentat ion Requirements

a. Birth dates, marriage dates, and/or dependent child status will normally be accepted as shown on the member's election or claimant's appl i cat ion. When there is conflicting information which would af f ect the payment of an annuity, further documentation will be required.

b. An incapacitated child's continued eligibility will be revalidated biennially, unless medical prognosis indicates that the disability is permanent and that recovery is highly improbable.

c. Continued eligibility of an unremmarried widow under age 60 will be reval idated annually.

CHAPTER 4

AMOUNT OF ANNUITY

401 . Payment of Annuities

a. Spouse or children. The **monthly** annuity payable shall equal 55% of the retiree's base amount (the base amount will be the member's full retired pay unless a lesser amount is elected), The annuity shall be reduced by any Dependency and Indemnity Compensation (DIC) payable on behalf of the spouse under Sections 201 .g. or 301 .c. When there is a widow, regardless of age, with only one dependent child under age 18 (or over age 18 and incapacitated), the annuity shall be reduced by an amount equal to the mother's benefit received from social security based solely upon the retiree's active military service. When there is a widow or widower, regardless of age, with 2 or more dependent children, the widow or widower will receive the full monthly annuity payable with no reduction based on the social security benefit payable. When the widow or widower reaches age 62, and there are no longer dependent children, the monthly annuity payable to the widow or widower under the SBP shall be reduced by the amount of the spouse's social security benefit entitlement, if any, resulting from the retiree's active service. An annuity payable only to children will be 55% of the base amount and will be divided equally among the children with no offset for social security or DIC.

- (1) The "social security payments" based "solely upon the retiree's active military service" will be calculated using the same basic Procedure used by the Social Security Administration but will be based on an assumed earnings pattern. For the purpose of this calculation, the member is assumed to live to age 65 and to have worked in social security covered employment only while on active duty.

Survivor benefits in the social security system are based on the primary insurance amount (PIA) which is determined from a schedule relating the member's average monthly earnings (AME) under social security covered employment to the PIA. It will be necessary to compute the AME of the retiree using the above assumption about the retiree's lifespan and covered employment. The AME is calculated as follows:

- (a) All social security covered earnings resulting from the member's active service after December 31, 1950, or after the calendar year in which the member became age 21 (whichever occurred later) and before the calendar year in which the member will attain age 62, are listed

by calendar year. (Note: For a man reaching age 62 before 1973, all years through the calendar year before the member reaches age 65 are included, for a man reaching age 62 in 1973, all years through the calendar year before he reaches age 64 are included; and for a man reaching age 62 in 1974, all years through the calendar year before he reaches age 63 are included.) This listing should include any free wage credits allowed after December 31, 1956, but should not include free wage credits allowed before that date. All calendar years during which the member did not perform any active duty will be established as zero earnings years for the purpose of this computation.

- (b) The 5 calendar years in which the member has the lowest or no social security covered earnings and the amount of those earnings, if any, will be dropped from the calculation. In most instances, zero earnings years will be dropped,
- (c) After performing (b), the sum of the remaining earnings is divided by the total number of months in the remaining years. The result is the AME based solely on the active duty service of the member. Using the social security schedule relating AME to PIA, the individual's PIA based solely on his active service will be determined.
- (d) The social security schedule provides that for a member with an AME of less than a stated amount (presently \$77 .00) , the PIA will be equal to a minimum PIA (presently \$4 .50) . (Note: Although the Social Security Amendments of 1972 provide for a "special minimum" PIA, the special minimum is effective only for those individuals who have 20 or more years of social security coverage. Normally, service retirees who have 20 or more years of social security coverage as a result of active duty will be unaffected by this provision. If, however, a retiree is eligible for the "special minimum" PIA, this "minimum" PIA should be used in the following computations.) A member with an AME that is equal to or larger than the stated amount (presently \$77 .00) will have a larger PIA, If the AME calculated based solely on the member's active service is less than the AME specified for the minimum PM, only a portion of the minimum PIA will be used as the "PIA based solely on the member's active service". In such cases, the "PIA based solely on the member's active service" will be calculated by multiplying the minimum PIA by the ratio of the "member's AME based solely on active service"

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to the "maximum AME for which the minimum PIA is assigned".
Expressed another way:

PIA based solely on the member's active service	=	Minimum PIA	times	Member's AME based solely on active service <u>Maximum AME</u> for which the minimum PIA is assigned
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Example:

- (i) Member's AME based solely on active service is \$57,00.
- (ii) Maximum AME for which the minimum PIA is assigned is \$76.00 (presently),
- (iii) The "PIA based solely on the member's active service" is equal to the minimum PIA (presently \$84.50) times the ratio of the "member's AME based solely on active service" (\$57.00) to the "maximum AME for which the minimum PIA is assigned" (presently \$76.00). The ratio in this example is \$57.00 divided by \$76.00, or 0.75; and the "PIA based solely on the member's active service" is equal to \$84.50 times 0.75, or \$63.38, Expressed in terms of the formula:

$$\begin{aligned} \text{PIA based solely} \\ \text{on member's active} &= \$84.50 \times \frac{\$57.00}{\$76.00} \\ \text{service} & \\ &= \$84.50 \times 0.75 \\ &= \$63.38 \end{aligned}$$

- (2) Under the social security system, the mother's benefit is 75% of the PIA. For the purpose of the SBP, 75% of the PIA based solely on the member's active service will be offset from the widow's payment regardless of the widow's age when the surviving family consists of a widow and one dependent child who is under age 18 or who is over age 18 but who was disabled before attainment of age 18.

- (a) This offset will occur only if the widow is entitled to the benefit based on her husband's total lifetime social

security covered employment. She shall be considered entitled even if she has not **applied** for the benefit but would be eligible had she **applied** or if otherwise eligible for a benefit but instead she is in receipt of a larger benefit based on her own social security earnings.

- (b) Any social security benefit to which the widow with one child would be entitled based on the member's active service but which is not payable because of the widow's earnings will not be included in this offset.

(3) Under "the social security system, the widow or widower's benefit after age 62 is equal to at least 82 1/2% of the PIA. For the purpose of the SBP, 82 1/2% of the PIA based solely on the member's active service will be offset **from** the widow or widower's payment after age 62 if there are no dependent children. (Note: Although the Social Security Amendments of 1972 permit payment of a larger survivor benefit if the widow or widower defers application for benefits past age 62 and the spouse did not elect to receive the social security retirement benefit before age 65, 82 1/2% of the PIA is guaranteed to all widows or widowers at age 62 and will accordingly be offset at that time.)

- (a) This offset will occur only if the widow or widower is entitled to the benefit based on the spouse's total lifetime social security covered employment. The widow or widower shall be considered entitled even if the **survivor** has not applied for the benefit but would be **eligible** had the survivor applied or if otherwise eligible for a benefit but instead the widow or widower is in receipt of a larger benefit based on her or his own social security earnings. Unless the retiree qualified for receipt of Social Security benefits, there will not be an offset.
- (b) The widow or widower is considered entitled to the benefit even if it is reduced as a result of the survivor's earnings.

b. Natural person with an insurable interest. An annuity provided a natural person with an insurable interest shall be 55% of the retired pay of the retiree remaining **after** reduction of costs from such retired pay. The member has no option concerning the amount of the annuity under this **provision**. There will be no offset for social security or Dependency and Indemnity Compensation.

c. Whenever CPI increases occur to retired pay, similar increases shall be applied to the monthly annuity payable under the SBP (all

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annuities except those provided in Section 601. d. are so adjusted). When there are no offsets for social security or Dependency and Indemnity Compensation (DIC), the full amount of the annuity shall be CPI adjusted and increased by that dollar amount. When there are reductions for social security or DIC, the CPI adjustment shall be applied to the full survivor benefit level before offset, and the Service portion of the survivor benefit level shall be increased by that dollar amount. Any adjustments to social security or DIC levels require a recalculation of the Service payment. Normally, increases in social security or DIC will not result in an increase in the total payment to the survivor.

CHAPTER 5 .

COSTS

501. Reduction in Retired Pay

a. Spouse only (no eligible children) . The monthly cost to provide an annuity to an eligible widow or widower shall be 2 1/2% of the first \$300 of the base amount, plus 10% of the remaining base amount.

b. Spouse and eligible children. The cost for providing an annuity when there is a spouse and eligible children shall be 2 1/2% of the first \$300 of the base amount, plus 10% of the remaining base amount, plus an actuarial charge based on the difference between cost factors under RSFPP, Option 1 and 3, in effect September 20, 1972. The cost factors under RSFPP and SBP are applied to the amount of the survivor annuity, not the base amount. Ages to be used for calculating the actuarial charge will be the ages of the member and his eligible dependents on their nearest birth date as of the date of the member's election. When all children cease to be eligible for an annuity, the cost shall be recalculated under a. above. The reduction of cost is effective the first day of the month following that in which the last child becomes age 22, as defined in Section 102. i. , unless the retiree notifies the Secretary concerned in writing that the child has become ineligible prior to that time or retains eligibility past age 22 because of a disability.

c. Children only (no eligible spouse) . The cost for providing an annuity when there are eligible children, but no eligible spouse, shall be based on the cost factors under RSFPP, Option 2, in effect September 20, 1972. The cost factors under RSFPP and SBP are applied to the amount of the survivor annuity, not the base amount. Ages to be used for calculating reductions of retired pay will be the ages of the member and his youngest child on their nearest birth date as of the date of the member's election. If the retiree should later marry and under Section 201. c. elects to cover his spouse, the costs shall then be recalculated under b. , above, effective as of the first day of the month following that in which the election is received by the Secretary concerned. If the retiree does not later marry, the cost under the Plan shall cease when the last child becomes age 22, as defined in Section 102. i. , unless the retiree notifies the Secretary concerned in writing that the child has become ineligible prior to that time or retains eligibility past age 22 because of a disability.

d. The cost of providing coverage for a child or children under Sections 501 .b. and c. will not be recalculated when a child different from the child initially established as the youngest child becomes the youngest child (for example, if the initially youngest child dies or if

a younger child is subsequently acquired). However, for the member providing coverage for children only under Section 501 .c. , if a spouse is acquired after retirement, the cost of coverage for children will be recalculated based on the age of the youngest child and the age of the member and spouse, under Section 501 .b. at the time coverage is elected for the spouse.

e. . Natural person with an insurable interest. The monthly cost to provide an annuity to a natural person with an insurable interest in the retiree shall be 10% of the member's full retired pay, plus an additional 5% of the member's full retired pay for each full 5 years that the named **beneficiary is younger than the** retiree. The total cost, however, may **not exceed 40% of the member's retired pay.**

f. **The reduction in retired pay for the** cost of an annuity shall not be treated as a collection for accounting purposes.

g. For any period that a member who has been awarded retired pay is not entitled to that pay, he must pay the cost of coverage under this Plan to his servicing finance activity by direct remittance as instructed by such activity. The only exceptions to the provision are as follows:

- (1) When the member has been ordered to active duty for a period exceeding 30 days; or
- (2) When a member waives his retired pay for civil service retired pay, he shall not be required to make the deposits so long as the waiver is in effect unless he notifies the Civil Service Commission that he does not desire his spouse to receive an annuity under Section 8341 (b) of Title 5 of at least the amount of coverage provided under the SBP. In the event of such notification, he must continue to pay the cost of coverage under the SBP.

h. Except as provided in Section 301. e. , refunds of amounts deducted are not authorized unless such amounts were deducted through administrative error.

i. CPI increases to retired pay shall be applied against the member's gross retired pay (before offset for cost of coverage), and shall likewise be applied against the base amount at the same percentage.

j. An annual interest charge of 6% compounded annually shall be charged for delinquencies in the payment of the cost of coverage. At the time of death of a retiree, any delinquency, plus interest, shall be collected from the annuitant's benefits prior to the payment of any annuity.

CHAPTER 6

APPLICATION

601. Application of Provisions

The provisions of the Survivor Benefit Plan apply to:

a. Any person who initially becomes entitled to retired pay on or **after September 21, 1972**. For members in this category, an election made before that date under the RSFPP is null and void, and new coverage at the maximum amount is automatically established upon retirement of a member with a spouse or dependent child in the absence of an election **otherwise**. In the event a married member elects to participate at less than the **maximum** level of coverage for a spouse, that spouse shall be notified of the options available and the election made.

b. Any person who was entitled to retired pay on September 21, 1972. Such a retiree may elect to participate in the SBP before March 21, 1974, if he has eligible beneficiaries (spouse, children, or natural person with an insurable interest). A person who is not married on March 21, 1974, but who later marries or acquires a dependent child, may elect to participate in the Plan under the first three sentences of Section 201 .c. The effective date of the election shall be the day of receipt by the Secretary concerned. However, the reduction in retired pay shall be effective the first day of the following month. If he participates in the RSFPP, he may continue such participation and elect to participate in the SBP, but the combined annuities may not exceed 100% of his retired pay on the effective date of election. If such a member elects to participate in both plans, but election of the maximum base amount under the SBP causes the total survivor benefit to exceed 100% , he may reduce his RSFPP coverage by the amount of the excess. Alternatively, a retiree who participated in the RSFPP could elect to participate in the SBP and could cancel his RSFPP participation as of the day before the effective date of the new election. RSFPP costs shall cease as of the day before the date the costs for the SBP commence. A person who elected to participate under the SBP and to cancel his RSFPP coverage would not be entitled to a refund of any contributions made under RSFPP. Any delinquent costs existing on the date of conversion shall continue to exist, with interest, until paid.

c. Those retirees who elected to continue to participate under the RSFPP. They shall continue to pay costs as prescribed by the cost table in effect on the date of their retirement.

d. Any person who is the widow of a person who was retired before September 21, 1972, and was entitled to retired pay on the date of his death, or a person who became a widow of such a retiree before **September 21, 1973, and whose annual income exclusive of pensions**

received under Chapter 15, Title 38, USC, as measured by section 503, Title 38, USC, plus any annuity received under the RSFPP is less than \$1,400. Such a widow, if eligible for a pension under Chapter 15, Title 38, USC (Nonservice-Connected Death Pension), shall be paid an annuity, which when added to her income as defined above plus any annuity received under the RSFPP, exclusive of a pension under Chapter 15, Title 38, USC, equals \$1,400 per year unless she is eligible to receive a payment under Section 411, Title 38, USC (Dependency and Indemnity Compensation). Remarriage by the widow following the death of the retiree bars entitlement to an annuity under this section. The effective date of an annuity under this section shall be the first day of the month following receipt by the Secretary concerned of a valid application for this type of annuity. Effective dates of changes in the amount of annuity payable and termination of annuity will be in accordance with effective dates used by VA to change or terminate the VA pension payable.

, ... :

CHAPTER 7

MISCELLANEOUS

701. Taxability of Cost to a Retiree

Costs for an annuity under this program shall not be included as gross income for Federal Income Tax purposes.

702. Taxability of Benefits Payable to a Survivor Annuitant .

Amounts payable to a survivor annuitant (including any refunds for cost of coverage as outlined in Section 301. e.) are included in gross income for Federal Income Tax purposes. The value of the survivor annuity shall not be included as part of the estate in the computation of Federal estate tax.

703. Mental Incompetency

Whenever a member is determined to be mentally incompetent by medical officers of the Uniformed Services or of the Veterans Administration, or is adjudged mentally incompetent by a court of competent jurisdiction and because of such mental incompetency is incapable of making any election within the time limitations prescribed by the Plan, the Secretary concerned may make the appropriate election on behalf of such member upon request of or for the spouse, child or children, guardian, trustee, etc. , of such member. If such member is subsequently determined to be mentally competent by the Veterans Administration or a court of competent jurisdiction, he may, within 180 days after such determination or judgment, change or revoke the election made on his behalf. In such a case, the change or revocation will be effective on the date of the member's request for such change or revocation. Deductions previously made shall not be refunded.

704. Annuities as a Supplement to DIC

If there is no indication that DIC will be awarded following a retiree's death, payment of annuities otherwise due shall immediately commence. If records indicate DIC may be awarded and will be in an amount greater than the annuity award, payment of annuities will be delayed pending verification with VA. If it appears that DIC may be awarded in an amount less than the SBP annuity, payment of the difference between the apparent DIC rate and the SBP annuity will be made pending verification with VA.

705. Correction of Administrative Deficiencies

The Secretary of the Department concerned or his designee may correct any election or any change or revocation of an election when he considers it necessary to correct an administrative error.

Except when procured by fraud, a correction under this Section is final and conclusive on all officers of the United States.

706. Organization

a. The Joint Board for the Survivor Benefit Plan shall consist of a principal and alternative **member** for each of the **Uniformed** Services appointed **by** the Department Secretary concerned. Alternate members will be authorized to act in the absence of the principle, **The Board shall meet** on the call of the Chairman. A **quorum** shall consist of representatives of at least four of the participating Services.

b. The Board shall establish procedures for the orderly conduct of business to be approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs).

c. The duties of the Board will include but not be limited to making recommendations to the Secretary of Defense for:

- (1) Changes to the Executive Order delegating to him functions conferred on the President by law,
- (2) Changes to these regulations,
- (3) Changes to the law, and
- (4) Measures to insure uniform operating policies.

d. The Chairmanship of the Joint Board will be designated by the **Assistant** Secretary of Defense (Manpower and Reserve Affairs).

707. Forms

The attached forms have been approved for use in the Survivor Benefit Plan. Local reproduction is authorized.

Attachments 5

DD Form 1881
DD Form 1882
DD Form 1883
DD Form 1884
DD Form 1885

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(Att 1 to Encl 1)

SURVIVOR BENEFIT PLAN ELECTION CERTIFICATE - BY EXISTING RETIREE		Reserved for Service Use Only		
SECTION I - INFORMATION CONCERNING MEMBER				
1. Name & current address	2. SSN/SN	3a. Date of Birth	3b. Retirement Date	3c. Rank or Grade
SECTION II - MARITAL, DEPENDENCY & ELECTION STATUS				
Are you married? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you have dependent children? <input type="checkbox"/> Yes <input type="checkbox"/> No Check one of the following to indicate the type of coverage you desire: a. Spouse only <input type="checkbox"/> b. Spouse and children <input type="checkbox"/> c. Children only <input type="checkbox"/> d. Natural person with insurable interest (may be elected only if you have no spouse and/or children) <input type="checkbox"/>		7a. If you checked 6a, b, or c, do you elect to provide an annuity based on the full amount of retired pay or on a reduced portion of retired pay? <input type="checkbox"/> FULL <input type="checkbox"/> REDUCED 7b. If you elect to provide an annuity on a reduced portion of retired pay, show the smaller base amount: \$.		
IMPORTANT: The decision you make with respect to participation in this Survivor Benefit Plan is a permanent irrevocable decision. Please consider your decision and its effect very carefully.				
SECTION III - FAMILY INFORMATION (List additional names on reverse)				
Name of Spouse	9. SSN	10. Date of Birth	11. Date of Marriage	
2. I have the following unmarried dependent children under age 22 (or over age 22 and incapable of self-support because of a disability incurred before age 18 or, after age 18 but before age 22 while attending school).				
Last name, first, M.I.	Date of Birth	SSN	Relationship	
SECTION IV - RSFPP DATA (If you currently have coverage under RSFPP complete this section)				
3. I elect to cancel my RSFPP coverage and take coverage as specified in Section II. I-1				
4. I elect to keep my RSFPP coverage and want additional coverage for my survivor(s) as specified in Section R. I understand that the combined annuities cannot exceed my monthly gross retired pay. NOTE: If you have RSFPP coverage and do not participate in the Survivor Benefit Plan, your RSFPP coverage will be continued.				
SECTION V - INSURABLE INTEREST COVERAGE				
If you are unmarried and have no dependent children, and you checked item 6d, complete items 15 through 19 with information pertaining to the person you want to receive an annuity who has an insurable interest in you.				
5. Last name, first, M.I.		16. SSN	17. Relationship	
8. Mailing address (Include ZIP Code)			19. Date of Birth	
SECTION VI - ADDITIONAL INFORMATION				
10. Is this the only election of coverage you have submitted under the new Survivor Benefit Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No				
11. If you are receiving Federal civil service retirement benefits, have you elected a reduced civil service retirement annuity in order to participate in the civil service survivor benefit program? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable				
SECTION VII - SIGNATURES				
Signature of Retiree	Date	Signature of Witness		
See reverse for computation of cost and annuity.				

Monthly Cost and Annuity

Spouse only (no eligible children). Cost of coverage is $2\frac{1}{2}$ percent of the first \$300, plus 10 percent of any designated retired pay in excess of \$300. If a child becomes eligible, cost of coverage will be increased as determined in the next section. The increase in cost is effective the first day of the month following eligibility of such child.

Spouse and eligible children. The cost of coverage will be $2\frac{1}{2}$ percent of the first \$300 of the base amount plus 10 percent of the remainder plus a slight additional charge for children's coverage that will vary depending on your age, your wife's age, and the age of your youngest child. The additional charge should generally be about one-half of one percent of the amount of retired pay designated.

Eligible children only (no spouse). The cost of coverage will vary depending on your age and the age of your youngest child but should generally be about 3 percent of the amount of retired pay designated.

Cost reduction - children. When all children cease to be eligible for an annuity, the additional cost for child coverage shall stop. The reduction in cost is effective the first day of the month following that in which the last child ceases to be eligible for an annuity.

Natural interest person. Cost of coverage is 10 percent of full retired pay, plus an additional 5 percent of full retired pay for each full five years that your age exceeds that of the natural interest person. The total cost may not exceed 40 percent of retired pay.

Annuity - spouse and/or eligible children. Full coverage provides an annuity of 55 percent of retired pay. Reduced coverage provides an annuity of 55 percent of the reduced amount elected.

Annuity - natural interest person The annuity payable is 55 percent of retired pay remaining after cost of coverage has been subtracted.

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(Att 2 to Encl 1)

SURVIVOR BENEFIT PLM ELECTION CHANGE		Reserved for Service Use Only		
		a	b	c
		d	e	f
SECTION I . INFORMATION CONCERNING MEMBER				
1. Name & Current Address		2. Social Security No.	2a. Date of Birth	2b. Retirement Date
SECTION II - MARITAL AND DEPENDENCY STATUS				
3. Are you married? <input type="checkbox"/> Yes <input type="checkbox"/> No		4. Do you have dependent children? <input type="checkbox"/> Yes <input type="checkbox"/> No		
SECTION III . COVERAGE CHANGE BECAUSE OF CHANGE IN DEPENDENCY OR MARITAL STATUS				
5. Change my survivor benefit coverage as follows because of marriage or a change in my dependents' status after my previous election. FROM no coverage or coverage for an insurable interest person TO coverage for: <input type="checkbox"/> spouse, based on full retired pay (because of marriage). <input type="checkbox"/> Spouse, based on a reduced base amount of \$ _____ (because of marriage). <input type="checkbox"/> Child(ren), based on full retired pay (after acquiring a child). <input type="checkbox"/> Children, based on a reduced base amount of \$ _____ (after acquiring a child). <input type="checkbox"/> Spouse and child(ren), based on full retired pay (because of marriage and acquiring dependent stepchildren). <input type="checkbox"/> Spouse and child(ren), based on a reduced base amount of \$ _____ (because of marriage and acquiring dependent stepchildren). <input type="checkbox"/> FROM spouse and child(ren) TO spouse only (because of ineligibility of all children for an annuity). <input type="checkbox"/> FROM children only TO no coverage (because of ineligibility of all children for an annuity). <input type="checkbox"/> FROM spouse only TO spouse and child(ren) (because of acquiring a child or children). <input type="checkbox"/> FROM children only TO spouse and child(ren) (because of marriage following election for child coverage).				
IMPORTANT: The decision You make with respect to participation in this Survivor Benefit Plan is a permanent irrevocable decision. Please consider your decision and its effect very carefully.				
SECTION IV . SPOUSE AND/OR CHILDREN INFORMATION (List additional names on reverse)				
6. Name of Spouse		7. Social Security No.	8. Date of Birth	9. Date of Marriage
10. List all unmarried children under age 22 (or over age 22 and incapable of self-support because of disability incurred before age 18 or, after age 18 but before age 22 while attending school).				
Last name, first, M.I.		Date of Birth	Social Security No.	Relationship
SECTION V - SIGNATURE				
Signature of Retiree		Date	Signature of Witness	
See reverse side for computation of cost and annuity				

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(Att 2 to Encl 1)

Monthly Cost and Annuity

Spouse only (no eligible children). Cost of coverage is 2½ percent of the first \$300, plus 10 percent of any designated retired pay in excess of \$300. [If a child becomes eligible, cost of coverage will be increased as determined in the next section. The increase in cost is effective the first day of the month following eligibility of such child.]

Spouse and eligible children. The cost of coverage will be 2½ percent of the first \$300 of the base amount plus 10 percent of the remainder, plus a slight additional charge for children's coverage that will vary depending on your age, your wife's age, and the age of your youngest child. The additional charge should generally be about one-half of one percent of the amount of retired pay designated.

Eligible children only (no spouse). The cost of coverage will vary depending on your age and the age of your youngest child but should generally be about 3 percent of the amount of retired pay designated.

Cost reduction - children. When all children cease to be eligible for an annuity, the additional cost for child coverage shall stop. The reduction in cost is effective the first day of the month following that in which the last child ceases to be eligible for an annuity.

Natural interest person. Cost of coverage is 10 percent of full retired pay, plus an additional 5 percent of full retired pay for each full five years that your age exceeds that of the natural interest person. The total cost may not exceed 40 percent of retired pay.

Annuity - spouse and/or eligible children. Full coverage provides an annuity of 55 percent of retired pay. Reduced coverage provides an annuity of 55 percent of the reduced amount elected.

Annuity - natural interest person. The annuity payable is 55 percent of retired pay remaining after cost of coverage has been subtracted.

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(Att 3 to Encl1)

SURVIVOR BENEFIT PLAN ELECTION CERTIFICATE		Reserved for Service Use Only		
		a	b	c
		d	e	f
SECTION I - INFORMATION CONCERNING MEMBER RETIRING AFTER 21 SEP 72				
1. Last name, first, U.K.		2. Social Security No.	3. Retirement date	4. Rank or grade
				5. Date of birth
SECTION II - MARITAL, DEPENDENCY, AND ELECTION STATUS				
6. Are you married?		<input type="checkbox"/> Yes <input type="checkbox"/> No	9s. If you checked 8s, b, or c, do you elect to provide an annuity based on the full amount of retired pay or 00 reduced portion of retired pay? <input type="checkbox"/> FULL <input type="checkbox"/> REDUCED	
7. Do you have dependent children?		<input type="checkbox"/> Yes <input type="checkbox"/> No	9b. If you want to provide a reduced annuity, show the amount of retired pay (base amount) upon which you want the annuity computed. \$ _____	
8. Check one of the following to indicate the type of coverage you desire:				
a. Spouse only		<input type="checkbox"/>		
b. Spouse and children		<input type="checkbox"/>		
c. Children only		<input type="checkbox"/>		
d. Natural person with insurable interest (only be elected only if you have no spouse and/or children)		<input type="checkbox"/>		
e. None		<input type="checkbox"/>		
IMPORTANT: The decision you make with respect to participation in this Survivor Benefit Plan is a permanent Irrevocable decision. Please consider your decision and its effect very carefully.				
SECTION III - FAMILY INFORMATION (List additional names on reverse)				
D. Name of spouse (Last, first, M.I.)		11. Spouse Social Security No.	12. spouse date of birth	
3. Place of marriage (City, County, State, Country)		14. Date of marriage		
5. I have the following unmarried dependent children under age 22 (or over age 22 and incapable of self-support because of a disability incurred before age 18 or, after age 18 but before age 22 while attending school).				
15a. Last name, first, M.I.	15b. Social Security No.	15c. Date of birth	15d. Relationship (natural, step, adopted, foster)	
SECTION IV - INSURABLE INTEREST COVERAGE				
6. If you are unmarried and have no dependent children, and you checked item 5d, complete this section with information pertaining to the person you want to receive an annuity who has an insurable interest in you.				
7. Last name, first, M.I.		17a. Social Security No.	17b. Relationship	
7c. Mailing address		17d. Date of birth		
SECTION V - ADDITIONAL INFORMATION				
8. Is this the only election of coverage you have submitted under the new Survivor Benefit Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No				
SECTION VI - SIGNATURES				
Signature of retiree		Signature of witness		Date

Monthly Cost and Annuity

Spouse only (no eligible children). Cost of coverage is 2½ percent of the first \$300, plus 10 percent of any designated ret' pay in exccexcess of \$300. If a child becomes eligible, cost of coverage will be increased as determined in the next section. The increase in cost is effective the first day of the month following eligibility of such child.

Spouse and eligible children. The cost of coverage will be 2½ percent of the first \$300 of the base amount plus 10 percent of the remainder, plus a alight additional charge for chil- dren's coverage that will vary depending on your age your wife's age, and the age of your youngest child. The additional charge should generl y be about one-half of one percent of the amount of retired pay designated.

Eligible children only (no spouse). The cost of coverage will vary depending on yow age andhe age of your youngest child but should generally be about 3 percent of the amount of retired pay designated.

Cost reduction - children. When all children cease to be eligible for an annuit y, the addi- tional cost for child coverage shall stop The reduction in cost is effective the first day of the month following that in which the alt child ceases to be eligible for an annuity.

Natural interest person. Cost of coverage is 10 percent of full retired pay, plus an addi- tional 5 percent of full retired pay for each ful five years that your age exceeds that the natural interest person. The total cost may not exceed 40 percent o fretired' pay.

Annuity - spouse and/or elble chicken. Full coverage provides an annuity of 55 percent of retired pay. Reduced coverage provides an annuity of 55 percent of the reduced amount elected.

Annuity - natural interest person. The annuity payable is 55 percent of retired pay remain- ing after cOst Of coverage has bee n subtracted.

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(Att 4 to Encl'1)

SURVIVOR BENEFIT PLAN - APPLICATION FOR ANNUITY			Form Approved OMB No. 22R-0317	
SECTION I - DECEASED MEMBER INFORMATION				
1. Last name, first, M.I.		2. Member's Social security No.		3. Date of Death
SECTION II - WIDOW OR WIDOWER OF DECEASED MEMBER INFORMATION				
4. Last name, first, M.I.		5. Social Security No.		6. Date of Birth
7. Home Address		8. Place of Birth		9. Citizenship
10. Were you legally married to the deceased at the time of death? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of marriage				
11. Have you <input checked="" type="checkbox"/> applied or do you intend to <input type="checkbox"/> apply to the Veterans Administration for benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No VA Claim No. _____ Amt Awarded \$ _____				
12. Address of VA Office that handles your account. _____				
SECTION III - CHILDREN OF THE DECEASED				
13.	Full name of child	13a. social Security No.	13b. Date of birth (mo., date, year)	13c. Name, address, relationship of custodian.
Attach additional sheets if more space is needed				
SECTION IV - INSURABLE INTEREST PERSON				
14. Complete this section if you are the person designated by the deceased retired member to receive the annuity payable and have an insurable interest in the deceased.				
14a. Last name, first, M.I.		14b. Social Security No.	14c. Date of birth (mo., day, year)	14d. Relationship
SECTION V - GUARDIAN INFORMATION				
15. If a guardian has been appointed by the court for any of the above survivors, give name and address and attach a copy of the court order.			15a. If a guardian has not been appointed, will one be appointed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5b. Name of Guardian			15c. Address	
SECTION VI - CLAIM CERTIFICATE AND SIGNATURE (See item 5 on reverse side)				
6. Signature of applicant		16a. Date		16b. Relationship to deceased
6c. Check mailing address of applicant				
7. Signature of Witness		17a. Address		17b. Date
7c. Signature of Witness		17d. Address		17e. Date

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(Att 4 to Encl 1)

Information for the Applicant

1. **IF HELP IS NEEDED** - In completing this application, contact the nearest military installation, your local Red Cross Chapter, any Veterans Organization, or write to the agency who sent this form to you.
2. **EVIDENCE REQUIRED** - If it becomes necessary to submit additional evidence you will be advised.
3. **SIGNATURE OF APPLICANT** - If this application is completed and signed by a person other than an annuitant, show the capacity in which you sign. Example "Legal Guardian." When a signature is accomplished by the mark "X" or another person signs for the annuitant due to physical inability to write on the part of the annuitant, such signatures must be witnessed by two disinterested parties.
4. **SOCIAL SECURITY NUMBER** - If a Social Security Number has not been assigned, contact the local Social Security or Internal Revenue Service Office to apply for an identifying number.
5. All statements made in this application must be true to the best of your knowledge, and belief. No evidence necessary to a settlement of this claim should be suppressed or withheld. Any change in your status (financial or otherwise) should be immediately reported. Any false statement in this application Or misrepresentation relative thereto is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 1 year or both. (52 Stat. 197; U.S.C.18:80.)

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(Att 5 to Encl 1)

SURVIVOR BENEFIT PLAN - MINIMUM INCOME CLAIM			Form Approved OMB No. 22R-0318
Retired Member's Name	2. Member's Social Security No.	3. Date of Retirement	4. Date of Death
SECTION I . INFORMATION CONCERNING WIDOW OF THE DECEASED			
Spouse name and home address		6. Spouse Social Security No.	7. Date of Birth
Were you legally married to the deceased at the time of death? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Have you remarried since date of death of deceased member? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, give date and place of dissolution of each remarriage. State reason, whether by death, annulment or divorce. Date _____ Place _____ Reason _____			
J. Are you receiving any benefits from the Veterans Administration? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete the following: Type Of Benefit _____ Mo. Amount \$ _____ VA Claim No. _____ Address of VA Office handling your account _____			
SECTION II . GUARDIAN INFORMATION			
1. If a guardian has been appointed give name and address and attach a copy of the court order of appointment.		1 la. If a guardian has not been appointed, will one be appointed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
1b. Name of Guardian,		11c. Address of Guardian	
SECTION III . CLAIM CERTIFICATION AND SIGNATURE (See item 1 on Reverse Side)			
12a. Signature of applicant			12b. Date
12c. Check mailing address of applicant		12d. Home address of applicant	
13. Signature of Witness	13a. Address of Witness		13b. Date
14. Signature of Witness	14a. Address of Witness		14b. Date
INFORMATION FOR THE APPLICANT			
<p>1. To secure all possible benefits and to avoid delay in processing the claim; (1) complete the application in full; (2) If the answer is "No" or "None" so state; (3) Typewrite or print information in ink; (4) Sign the application in ink or ball-point pen. All statements in the application must be true to the best of your knowledge, information and belief. No evidence necessary to a settlement of this claim should be suppressed or withheld. Any change in your status (financial or otherwise) should be immediately reported pursuant to instructions. Any false statement in this application or misrepresentation relative thereto is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 10 years or both. (52 Stat. 197; USC 18:80.)</p> <p>2. IF HELP IS NEEDED - In completing this application, contact the nearest military installation, your local Red Cross Chapter, any Veterans Organization, or write to the agency who sent this form to you.</p> <p>3. EVIDENCE REQUIRED - Please attach a copy of your marriage certificate to this claim. This document MUST BE on</p>		<p>file before an annuity is paid. If it becomes necessary to submit additional evidence in addition to your marriage certificate you will be advised. If you do not know your husband's social security number, or if he did not have one, please submit his service number.</p> <p>4. SOCIAL SECURITY NUMBER - If you do not have a social security number, contact the local Social Security or Internal Revenue Service Office to apply for an identifying number.</p> <p>5. SIGNATURE OF APPLICANT - If this application is completed and signed by a person other than the annuitant, show the capacity in which you sign. Example "Legal Guardian." When a signature is accomplished by the mark "X" or another person signs for the annuitant, due to physical inability to write on the part of the annuitant, such signatures must be witnessed by two disinterested parties.</p>	

DD FORM 1885
1 JUN 73

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE